

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MORRIS VELTEN,

Plaintiff,

Case No. 1:05-CV-765

v.

HON. GORDON J. QUIST

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it the Plaintiff's response to the Magistrate Judge's Report and Recommendation issued on September 5, 2006. In his report and recommendation, the magistrate judge recommended that the complaint be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction under 42 U.S.C. § 405(g). After conducting a *de novo* review of the report and recommendation, the Court concludes that the report and recommendation should be adopted by the Court.

The Plaintiff's response to the report and recommendation does not raise any objections, and appears to state that the Plaintiff agrees with the report and recommendation. As discussed by the magistrate judge, the Plaintiff's dispute is with Paulette Fields, and the Plaintiff's claims do not involve the judicial review of a Commissioner's final decision pursuant to 42 U.S.C. § 405(g). As a result, the Court lacks subject matter jurisdiction of this suit. Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation issued on September 5, 2006 (docket no. 37), is **APPROVED AND ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that the Defendant's motion to dismiss for lack of jurisdiction (docket no. 26) is **GRANTED**.

This case is **concluded**.

Dated: February 14, 2007

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE